United Nations A/55/PV.96

General Assembly
Fifty-fifth session

Official Records

96th plenary meeting
Friday, 16 March 2001, 3 p.m.
New York

*President:* Mr. Holkeri ..... (Finland)

*The meeting was called to order at 3 p.m.*

**Agenda item 14** *(continued)*

**Report of the International Atomic Energy Agency**

**Draft resolution** (A/55/L.75)

**The President**: Members will recall that the debate on agenda item 14 was held at the Assembly's 52nd and 53rd plenary meetings, on 6 and 7 November 2000.

I call on the representative of Nigeria to introduce draft resolution A/55/L.75.

**Mrs. Shodeinde** (Nigeria): Nigeria appreciates the important and admirable role the International Atomic Energy Agency (IAEA) continues to play in promoting the peaceful uses of nuclear energy and in preventing the proliferation of nuclear weapons. We are also delighted at the achievements recorded by the Agency in the past, and we look forward to further collaborative action among Member States, and, indeed, the international community, towards strengthening the activities of the Agency in these areas. Let me assure the Assembly that Nigeria remains unequivocally committed to the ideals of the Agency and will continue to deploy its best efforts to rally all Member States towards the goal of the peaceful use of nuclear energy.

The simplified procedural draft resolution, as contained in document A/55/L.75, is an agreed text. The document has five preambular paragraphs and two operative paragraphs. Basically, it recognizes the importance of the work of the Agency and reaffirms its confidence in its role. The cooperation between the United Nations and the Agency is also recognized. I therefore have the honour of presenting the procedural draft resolution contained in draft resolution A/55/L.75.

It is my understanding that delegations are of the view that this year's procedural resolution should be seen as an exception and that in the future all delegations will renew their commitment to the activities of the Agency by adopting substantive resolutions on the Agency at the United Nations, which we have all grown used to and cherish. Consequently, this procedural resolution should be adopted without a vote.

**The President:** In the light of the statement just made by the representative of Nigeria, draft resolution A/55/L.25 and the amendments contained in documents A/55/L.26/Rev.1, A/55/L.27 and A/55/L.29 are no longer before the General Assembly.

We shall now proceed to consider draft resolution A/55/L.75.

I call on the representative of Egypt, who wishes to make a statement in explanation of vote before the voting.

May I remind delegations that the explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

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01-29065 (E)

**Mr. Bebars** (Egypt) (*spoke in Arabic*): Egypt has always attached great importance to the highly important role of the International Atomic Energy Agency (IAEA) because of its responsibilities as one of the structures designed to put an end to nuclear proliferation and to provide safeguards. We also attach particular importance to the technical cooperation programmes of the IAEA and its programmes that promote the use of nuclear energy in many developing countries.

On the basis of these considerations, over the years Egypt has participated in the Agency's various areas of activity as a member of its Board of Governors. Egypt also participated in the various discussions under the agenda item on the report of the IAEA when it was considered in the General Assembly, as well as in the various debates on the preparation of the draft resolution. Our participation in these efforts in the General Assembly shows the importance that we attach to the IAEA's various fields of activity; it is also a testimony to our desire for the work of the IAEA to be reflected clearly and precisely in the draft resolution under this agenda item to be adopted by the General Assembly.

We have participated seriously, objectively and positively, on the basis of our convictions, in the discussions on the IAEA report during the current session, and we proposed an amendment to paragraph 5, which was reflected in A/55/L.26/Rev.1. The objective of that amendment was to clarify precisely the role of the Agency so as not to leave any room for doubt with regard to the IAEA safeguards. However, in order to ensure the success of the draft resolution and guarantee that the General Assembly adopted a draft resolution that truly reflected the role of the Agency, we decided to embark upon negotiations with the delegations that submitted the draft as well as with other delegations interested in this question. That enabled us to arrive at a compromise solution that reflected the interests of all.

It was our hope that those negotiations and consultations on the two outstanding items might lead to an agreement in the final analysis. The objective was the adoption of a draft resolution, such as those adopted in recent years, that truly demonstrated the interest of various delegations in the Agency's role. We are surprised, however, by the fact that the countries that supported the draft resolution decided not to put it forward so that a final decision could be taken, as has been the practice in recent years.

Our delegation therefore hopes that our decision to resort to a procedural draft resolution will prove to be an exception and will not become a pattern. In the future, draft resolutions should be adopted in such a way as to reflect the Agency's important role.

**The President:** We have heard the only speaker in explanation of position.

The Assembly will now turn to draft resolution A/55/L.75.

May I take it that the Assembly decides to adopt draft resolution A/55/L.75?

*Draft resolution A/55/L.75 was adopted (resolution 55/244).*

**The President:** I shall now call on those representatives who wish to speak in explanation of position on the resolution just adopted.

May I remind delegations that explanations of position are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Norström** (Sweden): I have the honour to speak on behalf of the European Union (EU). The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries of Cyprus, Malta and Turkey, as well as the European Free Trade Association members of the European Economic Area, Iceland, Liechtenstein and Norway, align themselves with this statement.

The European Union wishes to reiterate its strong attachment to and support for the work of the International Atomic Energy Agency (IAEA). Consequently, we wish to stress that the fact that the European Union has agreed to a procedural resolution in no way detracts from its firm support for the work of the IAEA and for the relationship between the Agency and the United Nations. Given its appreciation of the work of the IAEA, the EU finds it most regrettable that this year it was not possible, despite many months of intensive consultations among interested delegations in Vienna and New York, to reach consensus on a substantive resolution on the report on the activities of the IAEA for 1999 — a resolution that the EU would have liked to co-sponsor. As a result, the General

Assembly has been precluded from supporting common statements on various activities of the Agency during 1999-2000 that are of major relevance to the aims and interests of the United Nations.

Finally, the European Union expresses its appreciation for the efforts of the Nigerian Chairman of the IAEA Board of Governors to facilitate agreement.

**Mr. Metruck** (United States of America): There was a time when the annual International Atomic Energy Agency (IAEA) draft resolution was dealt with by this body with predictable goodwill and consensus. This was the case for many years after the IAEA was created in 1957. Perhaps it was easier to address nuclear issues then, since many of the States pursuing nuclear programmes shared a collective optimism that nuclear power would meet the energy needs of the world far into the future. But the world has changed radically since then, and become more complex. The number of countries has grown; the number of viewpoints on many issues has diversified.

Our debate during the past several months on the resolution adopted today clearly illustrates the difficulties of finding common ground on issues that once seemed less complicated. Yet we share the collective responsibility for managing the challenges that confront our nations today, including the essential need to manage developments in the nuclear field safely and securely. No country is exempt from this responsibility. This is a challenge we cannot fail to meet. The stakes for our common prosperity and, perhaps, even our survival, are simply too great.

One of the most important means we have to best manage nuclear developments worldwide is the work of the International Atomic Energy Agency. The majority of States represented here today are also members of the IAEA, and derive a variety of benefits from their membership. Yet we should recall that all States here today benefit directly from the work of the IAEA. Most essential is the assurance provided by the IAEA, through its safeguards system, that in those States pursuing nuclear activities, such activities are not being diverted or misused to produce nuclear weapons.

Knowing where nuclear material is and how it is being used throughout our planet is critical knowledge for us all. Our collective security interests are served daily through the application of IAEA safeguards. Similarly, the IAEA's work in nuclear safety provides an assurance that nuclear activities are being conducted in a manner consistent with international guidelines and standards. It is widely acknowledged that a nuclear accident anywhere is a nuclear accident everywhere. Through its nuclear safety programme, the IAEA works to reduce the prospect of any nuclear accident, large or small. Its on-site safety reviews help States both pinpoint potential problems and implement effective remedies, thus helping to stop problems before they start. Our collective interest in ensuring that if nuclear technology is used, it is used safely, is served daily by the IAEA.

Based on the extensive debate that we have had over the resolution adopted today, it seems that, collectively, we have lost sight of the fundamental reason why we engage in this annual dialogue. For many years, our goal has been to recognize and reaffirm the work of the IAEA as critical to the interests of us all. Our safety, security and overall prosperity are served, and served well, by this international body. If we did not have the IAEA today, we would need to create it; but our recent deliberations clearly indicate that we almost certainly could not do so.

The IAEA is a unique institution. Yet it can remain effective only if it receives effective support from its members, including adequate staff and funding. Unfortunately, any outside observer witnessing our recent debate over the IAEA resolution would be hard pressed to identify efforts by participants in this debate to make clear their support for the IAEA. So now let us be clear. Let us take this opportunity to reaffirm our support for this critical institution that so capably serves our common good. Let us express our appreciation to the talented men and women in the IAEA secretariat who work so hard for us. And let us pledge that, in the future, our focus on the IAEA will emphasize our collective support for that organization, rather than dissolve into prolonged disagreements that only serve to divide us.

**Ms. Moules** (Australia): Australia would like to reconfirm its strong support for the work of the International Atomic Energy Agency (IAEA). We would emphasize that our agreement to a procedural resolution this year does not detract from our continuing support for the Agency's important work. We would like to register our regret that, as a sponsor of the original draft resolution on the report of the IAEA, it was not possible, after extensive negotiations,

to adopt a substantive resolution on the Agency's activities this year. We would like also to join others in thanking Nigeria, in its capacity as Chair of the IEAE Board of Governors, for all its efforts during the negotiation of this resolution.

**Ms. Martinic** (Argentina) (*spoke in Spanish*): Argentina supports, and actively participates in, the work and activities of the International Atomic Energy Agency. In this regard, we regret that it was not possible on this occasion to adopt a more substantive resolution, along the lines of the draft resolution contained in A/55/L.25, of which we were a sponsor.

**Mr. Al-Humaimidi** (Iraq) (*spoke in Arabic*): At the outset, the delegation of Iraq would like to express its great appreciation for the efforts made by the International Atomic Energy Agency (IAEA) to fully implement its mandate in accordance with its statute, to implement the safeguards system, to attain the noble objective of ridding humankind of the evils of nuclear weapons and to place science and technology at the service of humankind and use them for peaceful ends.

It has become an annual tradition in the General Assembly to adopt a substantive resolution containing references to the various activities carried out by the Agency during the period covered by its report. It is very unfortunate that the draft resolution submitted to us this year was of a procedural nature and contained no substantive references to the subjects and facts set out in the Agency's report. My delegation worked seriously and sincerely in the consultations to try to reach consensus on a substantive draft resolution that would take into account the concerns raised in the various documents of the IAEA.

The delegation of Iraq also proposed that a substantive draft resolution should contain wording expressing satisfaction with the resumption of IAEA activities in Iraq pursuant to Iraq's safeguards agreement with the Agency and in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). We also proposed that a reference be made to Iraq's cooperation with the Agency's team of experts that visited Iraq from 22 to 25 January 2000 to carry out a physical inventory verification of nuclear material in Iraq. Reference to that visit was made in the Director General's letter to the Security Council contained in document S/2000/300.

Our substantive draft resolution was also in line with the wording used in various United Nations documents. It also reflected the statement made by Agency's Director General to the forty-fourth regular session of the General Conference, in which he confirmed that

*(spoke in English)*

> "the Agency carried out an inspection in Iraq in January 2000 pursuant to Iraq's NPT safeguards agreement. With the cooperation of the Iraqi authorities, the inspectors were able to verify the presence of the nuclear material subject to safeguards ... which is still in Iraq."

*(spoke in Arabic)*

That statement by Director General El Baradei, describing the cooperation between Iraq and the IAEA with regard to the safeguards system, was conveyed to the United Nations in documents S/2000/300, dated 11 April 2000, and S/2000/983, dated 11 October 2000. We would also like to note that preambular paragraph (e) of resolution 27, which was adopted by the Agency's General Conference, quite clearly and specifically refers to Iraq's cooperation with the Agency in accordance with the safeguards system:

*(spoke in English)*

> "Iraq provided the necessary cooperation for the inspection team to perform its activities effectively and efficiently, pursuant to Iraq's safeguards agreement with the Agency in accordance with the Treaty on the Non-proliferation of Nuclear Weapons". (*GC(44)/RES/27*)

*(spoke in Arabic)*

We have previously pointed out all these references to Iraq's cooperation with the Agency. Unfortunately, none of those references were included in the draft resolution, and therefore no substantive draft resolution was produced. Although the Iraqi delegation very much desired a substantive draft resolution, it nevertheless demonstrated a great deal of flexibility in order to find language suitable to everyone. We even proposed that our draft could be withdrawn if consensus could be reached on a paragraph to replace one of the paragraphs of the resolution that has been adopted. All those attempts ended in failure.

In conclusion, and on the basis of what we have explained here, it seems quite clear that, as I have

already said, our delegation has shown a lot of flexibility in order to achieve a balanced substantive draft resolution.

My delegation would like to reiterate its readiness to cooperate with the IAEA with respect to the safeguards system. It calls for cooperation in order to avert any attempt to prevent the IAEA from attaining its lofty goals, so that the benefits of the Agency's work can be reaped and political objectives attained. If that does not happen, the IAEA's credibility could come into question.

**Mr. Gosal** (Canada) (*spoke in French*): Canada fully endorses the comments made by the European Union, which strongly supports the work of the International Atomic Energy Agency (IAEA). We believe that the Agency requires the full support of the General Assembly in carrying out its important functions.

*(spoke in English)*

It is unfortunate that negotiations for this year's resolution on the IAEA became unnecessarily complicated by factors largely extraneous to the work of the Agency. We believe that a substantive and concise technical resolution is necessary to effectively report on the activities of the IAEA and accurately reflect issues of major relevance within the mandate of the Agency.

Lastly, Canada would like to recognize the efforts of Nigeria, acting in its capacity as Chairman of the IAEA Board of Governors, and we express our appreciation for all of their efforts in this matter.

**Mr. Mourão** (Brazil): I should like to express my gratitude for the efforts and dedication of the Nigerian chairmanship of the International Atomic Energy Agency (IAEA) Board of Governors in the negotiation process on the resolution before us. Having been in the same position in the previous year, Brazil knows how hard it is to accommodate each delegation's concerns.

Since other delegations have taken the floor to comment on the resolution just adopted, Brazil also would like to briefly explain its position. We support this resolution. Nevertheless, like previous speakers, we regret that several months of negotiations were not enough to reach agreement on a draft that would better reflect the importance that Brazil and many other delegations attach to the substantive work of the IAEA.

It is indeed frustrating that because no consensus could be reached on a relatively few points, we could not formally express a number of understandings that are shared by all of us. Brazil hopes that the next time the General Assembly holds negotiations on this item, the same constructive spirit that prevailed in Vienna in the preparation of the draft will be exercised in New York, so that we can come to a swift and significant outcome.

**Mr. Burkhard** (New Zealand): New Zealand would like at the outset to join with other delegations in expressing our gratitude for the efforts of the Nigerian chairmanship of the International Atomic Energy Agency (IAEA) Board of Governors in trying to facilitate this resolution.

The IAEA is one of the pillars of the international security architecture. New Zealand attaches the highest importance to its vital contribution to nuclear non-proliferation and disarmament through its safeguards role. Its essential contribution to nuclear safety is also of great importance to us.

We are thus disappointed that, despite intensive negotiations here and in Vienna, it was not possible to reach consensus on a substantive resolution on the report of the Agency that would have more fully reflected its significant work.

New Zealand has been very pleased to co-sponsor such resolutions in the past, and we had very much hoped that we could have done so this year as well. It is our hope that again in future we will be able to agree on a more ambitious resolution reflecting the important activities of the Agency.

**Mr. Miyamoto** (Japan): Japan welcomes the fact that, for the first time since 1990, a resolution on the report of the International Atomic Energy Agency (IAEA) has been adopted by consensus in the General Assembly.

We would also like to join the European Union and others in reiterating our strong support for the work of the Agency. Japan sincerely expresses appreciation to all of the delegations that participated in the effort to reach consensus on a substantive IAEA resolution. Collectively, we explored all possibilities to reach a consensus.

We would also like to place on record the fact that all but a few remaining paragraphs in the draft substantive resolution enjoyed the agreement of every

Member State concerned. Therefore it is all the more disappointing that the General Assembly was unable to adopt a substantive resolution on the report of the IAEA which contained many important statements supporting the activities of the Agency.

Japan especially wishes to underscore the importance of the model additional protocol, which was mentioned in the agreed part of the draft substantive resolution. It is the hope of my delegation that the General Assembly will adopt a substantive resolution under this agenda item during its fifty-sixth session.

Finally, Japan expresses its profound appreciation to the Nigerian delegation for its efforts in coordinating the long and difficult process of negotiation under this agenda item.

**Mr. Onishchenko** (Ukraine): Ukraine would like to support the statement made by Sweden on behalf of the European Union. As a traditional co-sponsor of the draft resolution on the report of the International Atomic Energy Agency (IAEA), my delegation regrets that during the fifty-fifth session of the General Assembly it was not possible to reach consensus on a substantive resolution.

I should like also to thank the delegation of Nigeria for its patient and tireless efforts in the quest for a consensus.

My delegation supports this procedural resolution and remains committed to the Agency's goals.

**The President:** We have heard the last speaker in explanation of position.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 14?

*It was so decided.*

**Agenda item 8** *(continued)*

**Organization of work of the fifty-fifth regular session of the General Assembly, adoption of the agenda and allocation of items: request for the inclusion of an additional item**

**Note by the Secretary-General** (A/55/239)

**The President:** The General Assembly will take up a request submitted by the Secretary-General in document A/55/239.

As indicated in document A/55/239, by its resolution 1329 (2000) of 30 November 2000, the Security Council decided, inter alia, to enlarge the membership of the Appeals Chambers of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda, and, to that end, decided to amend the statutes of both Tribunals.

In the same resolution, the Security Council also decided that two additional judges should be elected as soon as possible to serve as judges of the International Criminal Tribunal for Rwanda.

In this connection, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-fifth session of an additional item of an important and urgent character entitled "Election of judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".

The Secretary-General further requests that the item be considered directly in plenary meeting.

Unless there is an objection, in view of the urgency of this request, I shall take it that the General Assembly agrees that the relevant provisions of rule 40 of the rules of procedure, which would require a meeting of the General Committee on the question of the inclusion of this item on the agenda, could be waived.

I hear no objection.

*It was so decided.*

**The President:** May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of the current session an additional item entitled "Election of judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious

Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".

*It was so decided.*

**The President:** May I further take it that the General Assembly also, on the proposal of the Secretary-General, wishes to consider this item directly in plenary meeting?

*It was so decided.*

*The meeting rose at 3.45 p.m.*

United Nations A/55/PV.97

# General Assembly
Fifty-fifth session

*Official Records*

**97**th plenary meeting
Wednesday, 21 March 2001, 10 a.m.
New York

*President:* Mr. Holkeri ..... (Finland)

*The meeting was called to order at 10.15 a.m.*

**Agenda item 8** *(continued)*

**Adoption of the agenda, allocation of items and organization of work: reopening of the consideration of agenda item 101**

**The President:** As indicated in the footnote to document A/55/L.77, in order for the General Assembly to take action on the recommendation of the Preparatory Committee for the High-level International Intergovernmental Event on Financing for Development, it will be necessary to reopen consideration of agenda item 101.

May I take it that the General Assembly wishes to reopen consideration of agenda item 101?

*It was so decided.*

**The President**: Members will recall that at its 9th plenary meeting, on 11 September 2000, the General Assembly decided to allocate agenda item 101 to the Second Committee. In order for the General Assembly to proceed expeditiously on the recommendation of the Preparatory Committee, may I take it that the General Assembly wishes to consider agenda item 101 directly in plenary meeting?

*It was so decided.*

**The President**: May I further take it that the Assembly agrees to proceed immediately to the consideration of agenda item 101?

*It was so decided.*

**Agenda item 101** *(continued)*

**High-level international intergovernmental consideration of financing for development**

**Draft resolution** (A/55/L.77)

**The President:** In connection with this agenda item, the General Assembly has before it a draft resolution issued as document A/55/L.77.

The Assembly will now take a decision on draft resolution A/55/L.77, entitled "Preparations for the substantive preparatory process and the International Conference on Financing for Development".

May I take it that the Assembly decides to adopt draft resolution A/55/L.77?

*Draft resolution A/55/L.77 was adopted* (resolution 55/245).

**The President**: I shall now call on those representatives who wish to speak in explanation of position on the resolution just adopted.

**Mr. Bøjer** (Denmark): As Co-Chairman of the Preparatory Committee for the High-level International Intergovernmental Event on Financing for Development, I should like, on behalf of the Bureau, to express our deep appreciation for the offer so generously made by Mexico to host the International Conference on Financing for Development. The

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01-29777 (E)

Mexico venue for the Conference is emblematic of what this process is about. We fully trust that the Government of Mexico and its Mission here in New York will devote much energy and skill to the preparation and implementation of the Conference, which would be quite in keeping with the valuable role that Mexico has already played in the process.

Let me also thank other delegations, and in particular the delegation of Kenya and other African delegations, whose magnanimity and sense of commitment to the financing for development process made it possible for the decision on the venue for the Conference to be taken immediately upon receipt of the Mexican invitation, during our last Preparatory Committee meeting.

Finally, I would be remiss if I did not take this opportunity to thank you, Mr. President, for your strong personal support for the financing for development process.

**Mr. Navarrete** (Mexico) (*spoke in Spanish*): Under your wise guidance, Mr. President, the General Assembly has just adopted a resolution that represents an important step forward in the preparatory process for the International Conference on Financing for Development. My delegation would like to express its gratitude for the sense of direction you have lent to the consideration of this issue. I would also like to thank the Co-Chairman of the Preparatory Committee for his statement.

The resolution that has just been adopted is simultaneously the culmination of one stage of the preparatory process and the beginning of another even more important and, without a doubt, more demanding phase. Taking advantage of this opportunity to raise international cooperation to a higher political level for the benefit of more equitable and humane development on a global scale will depend on the vision, will and sustained efforts of Member States.

I would like to reiterate the firm commitment of the Government of Mexico that took office last December to the process that will culminate next year in the International Conference on Financing for Development. I would also like to reaffirm the high priority we attach to achieving substantive agreements to respond to the great expectations that have been raised by the convening of that meeting. We are committed to contributing to a process of discussion and negotiation that is open, participatory and based on a convergence of the efforts of the United Nations, the Bretton Woods institutions, the World Trade Organization and many other relevant actors from every level and every sphere.

That process should be devoid of confrontation and directed at identifying areas of agreement that will make it possible for the international community as a whole to agree on meaningful change in the world's trade and financial systems, to the benefit of development . In other words, our aim is to contribute to shaping a new global consensus to meet successfully the challenges of development by adopting financing as a strategic component.

In that regard, my delegation would like to recall that Mexico will be the venue for the International Conference on Financing for Development thanks to the fact that a general agreement was reached to the effect that this would help raise the visibility and political profile of the Conference, thereby attracting higher-level delegations in which national leaders in the areas of foreign affairs, trade and finance would participate as well as leaders, at the highest political level during the summit stage. My country will serve as host of the Conference also as a result of general agreement that this would contribute to achieving a better outcome of the Conference by promoting more constructive and responsible debates, by providing a cordial and friendly atmosphere for the deliberations, and by fostering convergence of views and consensus.

**The President**: We have heard the last speaker in explanation of position.

The Assembly has thus concluded this stage of its consideration of agenda item 101.

**Agenda item 8** (*continued*)

**Adoption of the agenda, allocation of items and organization of work**

**The President:** Members will recall that at its 9th plenary meeting, on 11 September 2000, the General Assembly decided to allocate agenda item 94 to the Second Committee, and that sub-item (e) of agenda item 94 remained open for consideration during the fifty-fifth session.

In order for the General Assembly to proceed expeditiously on the recommendation of the Commission on Human Settlements acting as the

Preparatory Committee for the special session of the General Assembly for an overall review and appraisal of the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II), contained in document A/55/L.78, may I take it that the Assembly wishes to consider sub-item (e) of agenda item 94 directly in plenary meeting?

*It was so decided.*

**The President**: May I further take it that the Assembly agrees to proceed immediately to the consideration of sub-item (e) of agenda item 94?

*It was so decided.*

**Agenda item 94** (*continued*)

**Sustainable development and international economic cooperation**

**(e) Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II)**

**Draft resolution** (A/55/L.78)

**The President**: In connection with this sub-item, the Assembly has before it a draft resolution recommended by the Commission on Human Settlements acting as the preparatory committee that has been issued as document A/55/L.78.

The Assembly will now take a decision on draft resolution A/55/L.78, entitled "Organizational arrangements for the Thematic Committee".

May I take it that it is the wish of the General Assembly to adopt draft resolution A/55/L.78?

*Draft resolution A/55/L.78 was adopted* (resolution 55/246).

**The President**: The Assembly has thus concluded this stage of its consideration of sub-item (e) of agenda item 94.

*The meeting rose at 10.30 a.m.*

United Nations A/55/PV.98

# General Assembly
Fifty-fifth session

*Official Records*

**98**th plenary meeting
Thursday, 12 April 2001, 10 a.m.
New York

*President:* Mr. Holkeri ..... (Finland)

*The meeting was called to order at 10.05 a.m.*

*In the absence of the President, Mr. Pamir (Turkey), Vice-President, took the Chair.*

**Agenda item 122** (*continued*)

**Scale of assessments for the apportionment of the expenses of the United Nations** (A/55/745/Add.6)

**The Acting President**: In the letter contained in document A/55/745/Add.6, the Secretary-General informs the President of the General Assembly that, since the issuance of his communications contained in document A/55/745 and addenda 1 to 5, Chad has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in this document?

*It was so decided.*

**Reports of the Fifth Committee**

**The Acting President**: The General Assembly will now consider the reports of the Fifth Committee on agenda items 115, 116, 116 and 123, 117, 117 and 168, 120, 122, 123, 124, 126, 127, 127 and 128, 128, 132 and 176.

I request the Rapporteur of the Fifth Committee, Mr. Eduardo Manuel da Fonseca Fernandes Ramos of Portugal, to kindly introduce the reports of the Fifth Committee in one intervention.

**Mr. Ramos** (Portugal), Rapporteur of the Fifth Committee: I have the honour today to present to the General Assembly the reports of the Fifth Committee during the first part of its resumed fifty-fifth session.

With regard to agenda item 115, entitled "Financial reports and audited financial statements, and reports of the Board of Auditors", the report of the Committee is contained in document A/55/689/Add.1. In paragraph 6 of that report, the Committee recommends to the General Assembly the adoption of a draft resolution that was adopted by the Committee without a vote.

With regard to agenda item 116, entitled "Review of the efficiency of the administrative and financial functioning of the United Nations", the Committee considered the following questions: procurement reform and procurement-related arbitration; the three thematic reports of the Office of Internal Oversight Services on its follow-up audit of the implementation of procurement reform; the inspection of the outcome of the consolidation of the three former economic and social departments into the Department of Economic and Social Affairs; the inspection of the consolidation of technical support in the Department of General Assembly Affairs and Conference Services; and the question of the review of the term of office of the Board of Auditors. The report of the Committee on these questions is contained in document A/55/532/Add.2. In paragraph 12 of that report, the

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01-33257 (E)

Committee recommends to the General Assembly the adoption of two draft resolutions and a draft decision, which were adopted by the Committee without a vote.

The Committee also considered the question of gratis personnel under this agenda item, as well as under agenda item 123, entitled "Human resources management". The report of the Committee on this matter is contained in document A/55/852. In paragraph 6 of that report, the Committee recommends the adoption of a draft decision, which was adopted by the Committee without a vote.

The report of the Committee regarding questions relating to the programme budget for the biennium 2000-2001, under agenda item 117, is contained in document A/55/713/Add.1. In paragraph 6 of that report, the Committee recommends the adoption of eight drafts decisions on the following questions: Integrated Management Information System; review and assessment of the asbestos problem at the United Nations and the management of asbestos-containing materials at buildings at Geneva, Vienna, Nairobi and at the locations of the regional commissions; facilities management; profitability of the commercial activities of the United Nations; construction of additional conference facilities at Bangkok and Addis Ababa; security arrangements at the United Nations Office at Geneva; common services; and internal and external printing practices of the Organization. These draft decisions were adopted by the Committee without a vote.

As regards the question of the United Nations Fund for International Partnerships, which the Committee considered under two agenda items — 117, "Programme budget for the biennium 2000-2001", and 168, "Programme budget for the biennium 1998-1999" — the report of the Committee on the matter is contained in document A/55/876. In paragraph 6 of that report, the Committee recommends to the General Assembly the adoption of a draft decision, which was adopted by the Committee without a vote.

Concerning agenda item 120, entitled "Administrative and budgetary coordination of the United Nations with the specialized agencies and the International Atomic Energy Agency", the report of the Committee on the statistical report of the Administrative Committee on Coordination on the budgetary and financial situation of organizations of the United Nations system is contained in document A/55/859. In paragraph 6 of that report, the Committee recommends to the General Assembly the adoption of a draft decision, which was adopted by the Committee without a vote.

In connection with agenda item 122, "Scale of assessments for the apportionment of the expenses of the United Nations", in particular the application of Article 19 of the United Nations Charter, the Committee decided to inform the General Assembly that it took note of the information provided by the coordinator of the informal consultations on the item to the effect that the question of the application of Article 19 of the Charter should be considered by the Committee on Contributions at its forthcoming session. The report of the Committee on this item is contained in document A/55/521/Add.2.

As regards agenda item 123, entitled "Human resources management", despite extensive negotiations on a draft resolution on this item, which comprised around 200 paragraphs covering all issues under consideration, and in spite of substantial progress on the greater part of these issues, the Committee was unable to reach consensus or to complete its work for a number of reasons. The Committee still has to deal with the issue of the examination for the promotion from general service to the Professional category, contractual arrangements, recruitment and placement, and the application of the principle of equitable geographic distribution. In a draft decision entitled "Human resources management", the Committee therefore decided to defer consideration of this agenda item to the second part of its resumed session. In paragraph 7 of its report, contained in document A/55/890, the Committee recommends to the General Assembly the adoption of the draft decision, which was adopted by the Committee without a vote.

Concerning agenda item 124, entitled "United Nations common system", the report of the Committee on the question of strengthening the international civil service is contained in document A/55/709/Add.1. In paragraph 5 of its report, the Committee recommends to the General Assembly the adoption of a draft decision, which was adopted by the Committee without a vote.

In connection with agenda item 126, "Report of the Secretary-General on the activities of the Office of Internal Oversight Services", the report of the Committee is contained in document A/55/888. In

paragraph 6 of that report, the Committee recommends to the General Assembly the adoption of a draft decision, which was adopted by the Committee without a vote.

As regards agenda item 127, entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991", the report of the Committee on the proposed requirements for the ad litem judges and the conditions and terms of service of these judges is contained in document A/55/691/Add.1. In paragraph 8 of that report, the Committee recommends to the General Assembly the adoption of two draft resolutions, which were adopted by the Committee without a vote.

As regards agenda item 127 and agenda item 128, "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994", the reports of the Committee on the audit and investigation of the International Criminal Tribunals for the Former Yugoslavia and Rwanda are contained in documents A/55/691/Add.2 and A/55/692/Add.1. In paragraphs 6 of both reports, the Committee recommends to the General Assembly the adoption of two draft decisions, which were adopted by the Committee without a vote.

Furthermore, a report of the Committee on the investigation into possible fee-splitting arrangements between defence counsel and indigent detainees at the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia is contained in document A/55/877. In paragraph 6 of that report, the Committee recommends to the General Assembly the adoption of a draft resolution, which was adopted by the Committee without a vote.

As regards agenda item 132, entitled "Financing of the United Nations Mission in Sierra Leone", the report of the Committee is contained in document A/55/891. In paragraph 6 of that report, the Committee recommends to the General Assembly the adoption of a draft resolution, which was adopted by the Committee without a vote.

Finally, regarding agenda item 176, entitled "Financing of the Nations Mission in Ethiopia and Eritrea", the report of the Committee on this item is contained in document A/55/711/Add.1. In paragraph 6 of its report, the Committee recommends to the General Assembly the adoption of a draft resolution, which was adopted by the Committee without a vote.

**The Acting President**: I call on the representative of Egypt on a point of order.

**Mr. Elgammal** (Egypt) (spoke in Arabic): I wish to make a correction. It has been stated that the Fifth Committee was unable to reach a consensus on the examination for the promotion from general service to the Professional category. I should like to indicate in this respect that the General Assembly adopted resolution 53/221 on this issue, which remains in force until a new resolution is adopted by the General Assembly to supersede it.

**The Acting President**: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee which are before it today.

*It was so decided.*

**The Acting President**: Statements will therefore be limited to explanations of vote. The positions of delegations regarding the recommendations of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes.

Before I begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Fifth Committee, unless notified otherwise.

**Agenda item 115** (*continued*)

**Financial reports and audited financial statements, and reports of the Board of Auditors**

**Report of the Fifth Committee** (A/55/689/Add.1)

**The Acting President**: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

The Fifth Committee adopted the draft resolution without a vote. May I consider that the Assembly wishes to do likewise?

*The draft resolution was adopted* (resolution 55/220 B).

**The Acting President**: We have thus concluded this stage of our consideration of agenda item 115.

**Agenda item 116** (*continued*)

**Review of the efficiency of the administrative and financial functioning of the United Nations**

**Report of the Fifth Committee** (A/55/532/Add.2)

**The Acting President**: The Assembly will now take a decision on the two draft resolutions recommended by the Fifth Committee in paragraph 12 of its report and on the draft decision recommended by the Fifth Committee in paragraph 13 of the same report.

We turn first to draft resolution I, entitled "Procurement reform".

The Fifth Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do likewise?

*Draft resolution I was adopted* (resolution 55/247).

**The Acting President**: Draft resolution II is entitled "Review of the question of the term of office of the Board of Auditors".

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution II was adopted* (resolution 55/248).

**The Acting President**: We turn now to the draft decision entitled "Reports of the Office of Internal Oversight Services".

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*The draft decision was adopted.*

**The Acting President**: We have thus concluded this stage of our consideration of agenda item 116.

**Agenda items 116 and 123** (*continued*)

**Review of the efficiency of the administrative and financial functioning of the United Nations**

**Human resources management**

**Report of the Fifth Committee** (A/55/852)

**The Acting President**: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 6 of its report.

The draft decision is entitled "Gratis personnel provided by Governments and other entities".

The Fifth Committee adopted the draft decision without a vote. May I take it that the General Assembly wishes to do likewise?

*The draft decision was adopted.*

**The Acting President**: We have thus concluded this stage of our consideration of agenda items 116 and 123.

**Agenda item 117** (*continued*)

**Programme budget for the biennium 2000-2001**

**Report of the Fifth Committee** (A/55/713/Add.1)

**The Acting President**: The Assembly will now take a decision on the eight draft decisions recommended by the Fifth Committee in paragraph 6 of its report.

We turn now to draft decision I, entitled "Integrated Management Information System".

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do the same?

*Draft decision I was adopted.*

**The Acting President**: Draft decision II is entitled "Review and assessment of the asbestos problem at the United Nations and the management of asbestos-containing materials at buildings at Geneva, Vienna and Nairobi and at the locations of the regional commissions".

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do likewise?

*Draft decision II was adopted.*

**The Acting President**: Draft decision III is entitled "Facilities management".

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do the same?

*Draft decision III was adopted.*

**The Acting President**: Draft decision IV is entitled "Profitability of the commercial activities of the United Nations".

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do likewise?

*Draft decision IV was adopted.*

**The Acting President**: Draft decision V is entitled "Construction of additional conference facilities at Bangkok and Addis Ababa".

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do the same?

*Draft decision V was adopted.*

**The Acting President**: Draft decision VI is entitled "Security arrangements at the United Nations Office at Geneva".

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do likewise?

*Draft decision VI was adopted.*

**The Acting President**: Draft decision VII is entitled "Common services".

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do the same?

*Draft decision VII was adopted.*

**The Acting President**: Draft decision VIII is entitled "Internal and external printing practices of the Organization".

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do likewise?

*Draft decision VIII was adopted.*

**The Acting President**: We have concluded this stage of our consideration of agenda item 117.

**Agenda items 117 (*continued*) and 168**

**Programme budget for the biennium 2000-2001**

**Programme budget for the biennium 1998-1999**

**Report of the Fifth Committee** (A/55/876)

**The Acting President**: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 6 of its report.

The draft decision is entitled "United Nations Fund for International Partnerships".

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do the same?

*The draft decision was adopted.*

**The Acting President**: We have thus concluded this stage of our consideration of agenda items 117 and 168.

**Agenda item 120** (*continued*)

**Administrative and budgetary coordination of the United Nations with the specialized agencies and the International Atomic Energy Agency**

**Report of the Fifth Committee** (A/55/859)

**The Acting President**: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 6 of its report.

The Fifth Committee adopted the draft decision, entitled "Statistical report of the Administrative Committee on Coordination on the budgetary and financial situation of organizations of the United Nations system", without a vote. May I take it that the General Assembly wishes to do likewise?

*The draft decision was adopted.*

**The Acting President**: We have thus concluded this stage of our consideration of agenda item 120.

**Agenda item 122** (*continued*)

**Scale of assessments for the apportionment of the expenses of the United Nations**

**Report of the Fifth Committee** (A/55/521/Add.2)

**The Acting President**: May I take it that the General Assembly wishes to take note of the report of the Fifth Committee contained in document A/55/521/Add.2?

*It was so decided.*

**The Acting President**: We have thus concluded this stage of our consideration of agenda item 122.

**Agenda item 123** (*continued*)

**Human resources management**

**Report of the Fifth Committee** (A/55/890)

**The Acting President**: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 7 of its report.

The Fifth Committee adopted the draft decision without a vote. May I take it that the General Assembly wishes to do the same?

*The draft decision was adopted.*

**The Acting President**: We have thus concluded this stage of our consideration of agenda item 123.

**Agenda item 124** (*continued*)

**United Nations common system**

**Report of the Fifth Committee** (A/55/709/Add.1)

**The Acting President**: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 5 of its report.

The Fifth Committee adopted the draft decision, entitled "Strengthening the international civil service", without a vote. May I take it that the Assembly wishes to do likewise?

*The draft decision was adopted.*

We have thus concluded this stage of our consideration of agenda item 124.

**Agenda item 126**

**Report of the Secretary-General on the activities of the Office of Internal Oversight Services**

**Report of the Fifth Committee** (A/55/888)

**The Acting President**: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 6 of its report.

The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do likewise?

*The draft decision was adopted.*

**The Acting President**: We have thus concluded this stage of our consideration of agenda item 126.

**Agenda item 127**

**Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

**Report of the Fifth Committee** (A/55/691/Add.1 and Add.2)

**The Acting President**: The Assembly will first turn to document A/55/691/Add.1.

The Assembly will take a decision on two draft resolutions recommended by the Fifth Committee in paragraph 8 of that report.

Draft resolution I is entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991".

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution I was adopted* (resolution 55/225 B).

**The Acting President**: Draft resolution II is entitled "Conditions of service and compensation for the ad litem judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991".

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

*Draft resolution II was adopted* (resolution 55/249).

**The Acting President**: The Assembly will next turn to document A/55/691/Add.2.

The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 6 of that report.

The Fifth Committee adopted the draft decision without a vote. May I take that the Assembly wishes to do likewise?

*The draft decision was adopted.*

**The Acting President**: The Assembly has thus concluded this stage of its consideration of agenda item 127.

**Agenda items 127 and 128** (*continued*)

**Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

**Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

**Report of the Fifth Committee** (A/55/877)

**The Acting President**: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

The Fifth Committee adopted the draft resolution, entitled "Report of the Office of Internal Oversight Services on the investigation into possible fee-splitting arrangements between defence counsel and indigent detainees at the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia", without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted* (resolution 55/250).

**The Acting President**: The General Assembly has thus concluded this stage of its consideration of agenda items 127 and 128.

**Agenda item 128** (*continued*)

**Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

**Report of the Fifth Committee** (A/55/692/Add.1)

**The Acting President**: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 6 of its report.

The Fifth Committee adopted the draft decision, entitled "Report of the Office of Internal Oversight Services on the follow-up to the 1997 audit and investigation of the International Criminal Tribunal for Rwanda", without a vote. May I consider that the Assembly wishes to do likewise?

*The draft decision was adopted.*

**The Acting President**: We have thus concluded this stage of our consideration of agenda item 128.

**Agenda item 132**

**Financing of the United Nations Mission in Sierra Leone**

**Report of the Fifth Committee** (A/55/891)

**The Acting President**: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted* (resolution 55/251).

**The Acting President**: We have thus concluded this stage of our consideration of agenda item 132.

**Agenda item 176** (*continued*)

**Financing of the United Nations Mission in Ethiopia and Eritrea**

**Report of the Fifth Committee** (A/55/711/Add.1)

**The Acting President**: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted* (resolution 55/252).

**The Acting President**: We have thus concluded this stage of our consideration of agenda item 176.

**Agenda item 8** (*continued*)

**Adoption of the agenda and organization of work: reopening of the consideration of agenda item 12**

**The Acting President**: As indicated in the footnote to document A/55/L.80, in order for the General Assembly to consider the draft resolution contained in that document, it will be necessary to reopen the consideration of agenda item 12, entitled "Report of the Economic and Social Council".

May I take it that the General Assembly wishes to reopen the consideration of agenda item 12?

*It was so decided.*

**The Acting President**: May I further take it that the Assembly agrees to proceed immediately to consideration of agenda item 12?

I see no objection. We shall therefore proceed accordingly.

**Agenda item 12** (*continued*)

**Report of the Economic and Social Council**

**Draft resolution** (A/55/L.80)

**Report of the Fifth Committee** (A/55/848)

**The Acting President**: I give the floor to the representative of the Islamic Republic of Iran to introduce draft resolution A/55/L.80.

**Mr. Mirafzal** (Islamic Republic of Iran): I am confident that the Assembly is fully aware that the number of countries classified as least developed has continued to grow. Currently, there are 48 countries in that group, as against 25 in the 1980s. With the adoption of the present draft resolution, one more country will be added to the group. The introduction of this draft resolution, preceding the holding of the Third United Nations Conference on the Least Developed Countries in Brussels in May 2001, indicates that the international community has been far less supportive of developing countries in general, and least developed countries in particular. Otherwise, we should have seen their graduation from the list, rather than their inclusion in the group of least developed countries.

At any rate, on behalf of the sponsors of the draft resolution, as well as on behalf of the Group of 77, I would like to introduce draft resolution A/55/L.80 with some revisions, which I will now read out.

In the second preambular paragraph there is a deletion to be made. The paragraph should read as follows:

> "Recalling Economic and Social Council resolutions 1998/39 of 30 July 1998 on the status of the least developed countries and 1999/67 of 16 December 1999 on the report of the Committee for Development Policy,".

The third and fourth preambular paragraphs remain as they are. Operative paragraph 1 remains as is, but operative paragraphs 2 and 3 should be deleted.

I hope that the draft resolution as revised by the sponsors will be adopted by the General Assembly.

**The Acting President**: We shall now proceed to consider draft resolution A/55/L.80, as orally revised.

The Assembly will now take a decision on draft resolution A/55/L.80, entitled "Report of the Committee for Development Policy", as orally revised.

May I take it that the Assembly wishes to adopt draft resolution A/55/L.80, as orally revised?

*Draft resolution A/55/80, as orally revised, was adopted* (resolution 55/253).

**The Acting President**: I give the floor to the representative of Senegal.

**Mr. Cissé** (Senegal) (*spoke in French*): On the occasion of the adoption of resolution 55/253, I would like to recall that the Committee on Development Policy, in the course of its last triennial review of the list of least developed countries, which was held from 3 to 7 April 2000, recommended that Senegal be placed on that list. The Economic and Social Council therefore recommended in its decision 2000/34 that the General Assembly include Senegal on that list, provided the Government of Senegal agreed.

Clearly, agreeing to this required political courage on the part of the new Senegalese authorities. But it also required a great deal of realism, given the negative connotation attached to something that could be interpreted as a setback. However, the authorities of my country are convinced that, with the support provided by the solidarity of the international community to meet the new challenges confronting Senegal, the redoubled efforts of the Senegalese people will make it possible for Senegal to quickly satisfy the criteria for graduation established by the Committee for Development Policy.

Before concluding, I would like to thank all the countries that sponsored the resolution. I would like to thank the Islamic Republic of Iran in particular, which spared no effort in this regard in its capacity as Chairman of the Group of 77.

**The Acting President**: We have thus concluded this stage of our consideration of agenda item 12.

**Agenda item 8** (*continued*)

**Adoption of the agenda and organization of work**

**Fifth report of the General Committee**
(A/55/250/Add.4)

**The Acting President:** I should like to draw the attention of representatives to the fifth report of the General Committee (A/55/250/Add.4), regarding a request by Togo for the inclusion of an additional item in the agenda.

In that report, the General Committee decided to recommend to the General Assembly that an additional item entitled "2001-2010 Decade: Decade to Roll Back Malaria in Africa" should be included in the agenda of the current session.

May I take it that the General Assembly decides to include this additional item in the agenda of the current session?

*It was so decided.*

**The Acting President**: The General Committee further decided to recommend that the additional item should be considered directly in plenary meeting. May I take it that the General Assembly decides to consider this item directly in plenary meeting?

*It was so decided.*

*The meeting rose at 10.50 a.m.*

United Nations A/55/PV.99

# General Assembly

Official Records

Fifty-fifth session

**99**th plenary meeting
Tuesday, 24 April 2001, 10 a.m.
New York

*President:* Mr. Holkeri ..... (Finland)

*The meeting was called to order at 10 a.m.*

**Agenda item 122** (*continued*)

**Scale of assessments for the apportionment of the expenses of the United Nations** (A/55/745/Add.7)

**The President**: In a letter contained in document A/55/745/Add.7, the Secretary-General informs me that, since the issuance of his communications contained in document A/55/745 and addenda 1 to 6, Mauritania and Saint Lucia have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in that document?

*It was so decided.*

**Agenda item 185**

**Election of the judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

**Letter from the President of the Security Council** (A/55/871)

**Memorandum by the Secretary-General** (A/55/872)

**Curricula vitae** (A/55/873)

**The President:** The General Assembly will proceed to the election of two judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

At the election in 1998 of judges for the three Trial Chambers of the International Criminal Tribunal for Rwanda, nine judges were elected, and their terms of office are to expire on 24 May 2003.

By its resolution 1329 (2000) of 30 November 2000, the Security Council decided to increase the number of judges in the Appeals Chambers of the International Criminal Tribunal for Rwanda and of the International Criminal Tribunal for the Former Yugoslavia. In order that the increase in the number of judges in the Appeals Chamber might be made, the Security Council decided also that two additional judges should be elected as soon as possible as judges of the International Criminal Tribunal for Rwanda and that the judges so elected should serve until the expiry of the terms of office of the judges currently serving on the Tribunal, that is 24 May 2003.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

01-34557 (E)

In connection with the election today of the two judges, I should like to bring the following matters to the attention of the General Assembly.

First, according to article 12, paragraph 2 (c), of the Statute of the International Criminal Tribunal for Rwanda, as amended by Security Council resolution 1329 (2000) of 30 November 2000, the two judges of the International Criminal Tribunal for Rwanda shall be elected by the General Assembly from a list of candidates submitted by the Security Council. At its 4307th meeting, held on 30 March 2001, the Security Council, in accordance with article 12, paragraph 2 (d), of the Statute of the International Criminal Tribunal for Rwanda, established, in its resolution 1347 (2001), a list of five candidates. The list was formally conveyed to the President of the General Assembly by a letter dated 30 March 2001 from the President of the Security Council. That letter was issued as document A/55/871.

Secondly, in accordance with article 12, paragraph 2 (d), of the Statute of the International Criminal Tribunal for Rwanda, the Holy See and Switzerland, the two non-member States maintaining permanent observer missions at United Nations Headquarters, will participate in the election in the same manner as the States Members of the United Nations. On this occasion I am happy to welcome here the representatives of the Holy See and of Switzerland.

Finally, I should like to draw the attention of the Assembly to the documents relating to the election. The memorandum by the Secretary-General concerning the election of judges of the International Tribunal for Rwanda is contained in document A/55/872. The list of candidates is to be found in paragraph 9 of that document.

In that connection, I should like to inform the Assembly that the Permanent Representative of Zambia to the United Nations has informed the Secretary-General by a letter dated 18 April 2001 that Mr. Frederick Mwela Chomba has withdrawn his candidature for the International Criminal Tribunal for Rwanda. Accordingly, the name of Mr. Frederick Mwela Chomba has been deleted from the ballot paper.

The curricula vitae of the candidates are to be found in document A/55/873. In that connection, I bring to the Assembly's attention the provision of article 12, paragraph 1, of the Statute of the International Tribunal for Rwanda, which stipulates that judges of the Tribunal shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. According to the same provision, due account shall be taken, in the overall composition of the Chambers of the Tribunal, of the experience of the judges in criminal law, international law, including international humanitarian law, and human rights law.

As representatives are aware, the election of judges will take place in accordance with the relevant provisions of article 12 of the Statute of the International Tribunal for Rwanda.

In addition, given the similar nature of the election of judges of the International Court of Justice and the election of judges of the International Tribunal for Rwanda, it was decided at the time of the elections of judges in 1995 and 1998 to follow similar election procedures in the General Assembly. In his memorandum, the Secretary-General suggests that these precedents be followed, and that rule 151 of the rules of procedure of the General Assembly be applied to the election of additional judges of the International Criminal Tribunal for Rwanda.

May I take it that the Assembly agrees to that suggestion?

*It was so decided.*

**The President:** In accordance with article 12, paragraph 2 (d), of the Statute of the International Tribunal for Rwanda, the candidates who receive an absolute majority of the votes of States Members of the United Nations and of the two non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected.

The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors, for this purpose, are all the Member States and the two non-member States, namely the Holy See and Switzerland. Accordingly, 96 votes constitute an absolute majority for the purpose the present election.

If, in the first ballot, either no candidate or only one candidate obtains an absolute majority, a second ballot will be held, and balloting will continue in the same meeting until two candidates have obtained an absolute majority. Following the practice in the election of judges of the International Court of Justice,

the Secretary-General suggests in his memorandum that any second and subsequent balloting shall be unrestricted.

It is further suggested that, following the practice in the election of the judges of the International Court of Justice, if more than two candidates obtain an absolute majority of votes in the first ballot, a second ballot will be held on all candidates and balloting will continue at the same meeting until two candidates, and no more, have obtained an absolute majority.

May I take it that the Assembly agrees to the procedures I have just outlined?

*It was so decided.*

**Mr. Navarrete** (Mexico) (*spoke in Spanish*): Once again, the delegation of Mexico will not participate in the election of the judges of the International Criminal Tribunal for Rwanda. Mexico is committed to the promotion and protection of human rights, as well as to full compliance with the norms of international humanitarian law. Therefore, it has always supported investigating crimes against humanity and bringing to justice and punishing those responsible, in on order to fight impunity and guarantee the rule of law.

Mexico considers that in establishing the Tribunal the Security Council exceeded its sphere of competence, since in the Charter of the United Nations there is no explicit provision authorizing it to establish jurisdictional mechanisms of this nature.

Mexico remains convinced that once the International Criminal Court becomes operational — a Court whose establishment process is indeed in accordance with the norms of international law — the creation of new special tribunals will be unnecessary.

These comments notwithstanding, Mexico will continue to pay on time its assessed contributions to the financing of the Tribunal, in strict compliance with the relevant decisions of the General Assembly.

**The President**: I give the floor to the Observer of the Holy See.

**Archbishop Martino** (Holy See): The Holy See has followed with attention the activities of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

The Holy See regards the Tribunal as an instrument of the international community to express its condemnation of violations of international humanitarian law. However, I would like to inform the Assembly that the Holy See, in consideration of its specific nature and its objectives, and in accordance with the recognized practice in similar cases, has decided to abstain from casting its vote on the individual candidates to the office of judge of the International Tribunal for Rwanda.

Finally, may I reiterate the confidence of the Holy See in the choices that will be made by the international community and extend its best wishes to the two judges who will soon be elected to serve the cause of justice, reconciliation and true peace in Rwanda, so that the atrocious tragedy of 1994 may never be repeated and so that, in the words of Pope John Paul II, that land of a thousand hills may never be soaked with the blood of its children.

**The President**: Before we begin the voting process, I should like to remind members that pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting.

We shall now begin the voting process. Ballot papers will now be distributed.

I request representatives to use only the ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the two candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than two names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

*At the invitation of the President, Mr. Parrales Sánchez (Nicaragua), Mr. Al-Hassan (Oman), Mr. Dragulescu (Romania) and Ms. Eklund (Sweden) acted as tellers.*

*A vote was taken by secret ballot.*

*The meeting was suspended at 10.30 a.m. and resumed at 11.20 a.m.*

**The President**: The result of the voting is as follows:

| | |
|---|---|
| Number of ballot papers: | 151 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 151 |
| Abstentions: | 1 |
| Number of members voting: | 150 |
| Required absolute majority: | 96 |
| Number of votes obtained: | |
| Ms. Arlette Ramaroson (Madagascar) | 90 |
| Mr. Winston Churchill Matanzima Maqutu (Lesotho) | 84 |
| Mr. Mouinou Aminou (Benin) | 83 |
| Mr. Harris Michael Mtegha (Malawi) | 38 |

Since no candidate has obtained an absolute majority, the Assembly will have to proceed to another ballot to fill the two vacancies.

In accordance with the decision taken earlier, that ballot shall be unrestricted.

We shall now begin the voting process. Ballot papers will now be distributed.

I request representatives to use only the ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the two candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than two names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

*At the invitation of the President, Mr. Parrales Sánchez (Nicaragua), Mr. Al-Hassan (Oman), Mr. Dragulescu (Romania) and Ms. Eklund (Sweden) acted as tellers.*

*A vote was taken by secret ballot.*

*The meeting was suspended at 11.30 a.m. and resumed at 12.15 p.m.*

**The President:** The result of the voting is as follows:

| | |
|---|---|
| Number of ballot papers: | 156 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 156 |
| Abstentions: | 1 |
| Number of members voting: | 155 |
| Required absolute majority: | 96 |
| Number of votes obtained: | |
| Ms. Arlette Ramaroson (Madagascar) | 105 |
| Mr. Winston Churchill Matanzima Maqutu (Lesotho) | 97 |
| Mr. Mouinou Aminou (Benin) | 77 |
| Mr. Harris Michael Mtegha (Malawi) | 28 |

*Having obtained an absolute majority, the following candidates were elected members of the International Criminal Tribunal for Rwanda: Mr. Winston Churchill Matanzima Maqutu and Ms. Arlette Ramaroson.*

**The President:** The two judges elected today shall serve terms of office until the expiry of the terms of office of the judges currently serving on the Tribunal, that is, until 24 May 2003. Their terms of office will commence as soon as possible.

I take this opportunity to extend to the judges the congratulations of the Assembly on their election and to thank the tellers for their assistance.

We have thus concluded this stage of our consideration of agenda item 185.

*The meeting rose at 12.20 p.m.*